

NOTICE OF FORMAL COMPLAINT, CHALLENGE TO JURISDICTION, AND INTENT TO FILE COUNTER CLAIM

USDC - GREENBELT
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IN THE UNITED STATES DISTRICT COURT

HD

FOR THE DISTRICT OF MARYLAND – GREENBELT DIVISION Rcv'd by: em

Re:

Frank Gainer Jr. v. State of Maryland, et al.

Civil Action No.: 1:25-cv-01782-ABA

TO:

Catherine M. Stavlas, Clerk of Court

Janet Fletcher, Case Administration Supervisor

U.S. District Court for the District of Maryland – Greenbelt Division

CC:

Judicial Oversight Authorities, Federal Inspectors General, and Court
Administrative Officers

I. INTRODUCTION AND LAWFUL NOTICE

I, Frank Gainer Jr., a living man in full life and standing, proceeding in propria persona sui juris, hereby issue this Notice of Formal Complaint, Lawful Challenge to Jurisdiction, and Intent to File Counter Claim, following nearly three months of administrative failure and procedural denial within the U.S. District Court for the District of Maryland.

This notice operates as a lawful affidavit of fact, a challenge to jurisdiction, and a conditional commercial notice binding on all respondents. It stands under the U.S. Constitution, the Treaty of Peace and Friendship (1836), federal statutes, common law, and commercial law (UCC 1-308), and becomes binding and actionable if not rebutted in ten (10) days from receipt.

II. NOTICE AND CHALLENGE TO JURISDICTION

You are hereby challenged to lawfully establish and produce on the record:

1. Delegation of Authority Order showing lawful jurisdiction over the undersigned;
2. Sworn and signed Oath of Office for each involved clerk, judge, or administrator;
3. Active Surety Bond and liability coverage for all such individuals, including contact info for all underwriters and bonding agents;
4. Full accounting of commercial transactions, collections, and securities arising from or related to enforcement actions or failure to perform ministerial duties.

Failure to provide such documentation within five (5) business days shall result in a finding of color of law operation, and respondents shall be considered acting in their private capacity, stripped of all presumptions of immunity.

III. BASIS FOR FORMAL COMPLAINT & ANTICIPATED LEGAL ACTIONS

Despite full procedural compliance—filing fee paid, summons submitted, motions docketed—there has been no action on summons issuance, docket correction, or judicial scheduling. Accordingly, Plaintiff reserves the right to pursue the following remedies:

1.

BIVENS ACTION – Constitutional Tort (Personal Capacity Liability)

Respondents are hereby placed on notice of Plaintiff's intent to seek personal liability for:

- Denial of due process and court access (Fifth Amendment);
- Maladministration under color of federal law;
- Acts performed without jurisdiction or lawful authority.

Actionable under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), and reinforced by 42 U.S.C. § 1983, 18 U.S.C. §§ 241–242.

2.

MANDAMUS AND/OR DECLARATORY RELIEF

Should the Clerk’s Office continue to neglect its non-discretionary duty to issue summons and correct docket entries, Plaintiff reserves the right to file for:

- Mandamus relief under 28 U.S.C. § 1361 compelling ministerial action;
- Declaratory judgment under 28 U.S.C. § 2201 regarding rights and obligations of parties.

3.

CIVIL COUNTER CLAIM – Administrative Negligence & Constitutional Violations

Upon further obstruction or neglect, Plaintiff will assert a civil counterclaim including but not limited to:

- Administrative Negligence
- Tortious interference with access to courts
- Violation of procedural due process
- Failure to act in a fiduciary and constitutional capacity

These claims will seek equitable relief, compensatory damages, and full costs.

IV. LAWFUL COST SCHEDULE (INTEGRATED)

This fee schedule applies to all agents, officers, and staff who fail to provide required documentation or who engage in administrative denial of access, obstruction, or unlawful enforcement

Violation or Omission	Commercial & Constitutional Penalty
Failure to issue summons within 5 business days	\$1,500 per day of continued delay
Improper IFP docket classification	\$500 flat fee + \$100/day until corrected
Non-response to filed motions within FRCP timelines	\$250 per day in delay damages
Obstruction of access to court / denial of due process	\$5,000 + \$500 per day
Unlawful arrest or detention (if escalated)	\$250,000 per incident
Threat, coercion, or intimidation by court officials	\$50,000 per occurrence
Trespass upon private rights, status, or property	\$75,000 per occurrence
Failure to provide oath, bond, or authority does	\$50,000 per day until cured

All amounts represent liquidated damages enforceable under commercial law, constitutional tort, and personal liability under color of law.

V. FACTUAL AFFIDAVIT DECLARATION

I, Frank Gainer, a living man and the undersigned, affirm under penalty of perjury that the following statements are true and correct to the best of my knowledge, belief, and ability:

- I have complied fully with all requirements of the U.S. District Court in this matter;
- The Clerk's Office has failed to perform its ministerial duties for over 80 days;
- The improper IFP classification was entered without my application or consent;
- These failures constitute obstruction and constitutional deprivation;
- I stand under the Constitution and lawfully challenge the jurisdiction of any agent who acts outside their oath, bond, and authority.

This affidavit shall stand as truth in commerce and remain unrebutted unless a sworn and verified response is received within ten (10) calendar days of service.

VI. DEMAND FOR CURE & RESPONSE

You are hereby granted five (5) business days from receipt of this notice to:

1. Issue the summons immediately;
2. Correct the IFP docket entry to reflect fee-paid status;
3. Respond to all motions pending before the Court;

4. Provide lawful proof of your authority, oath, and bond;
5. Schedule a judicial status conference without delay.

Failure to comply will invoke personal liability, activation of the fee schedule, and escalation to appropriate courts and oversight bodies.

VII. RESERVATION OF RIGHTS

Plaintiff reserves all unalienable rights under natural law, constitutional law, commercial law, and treaty protections, including:

- The right to act in propria persona sui juris;
- The right to bring criminal complaint under 18 U.S.C. §§ 241, 242;
- The right to amend all pleadings;
- The right to initiate external administrative and commercial claims.

No assumption of jurisdiction is granted by silence, inaction, or acquiescence.

Respectfully remitted,

By: Frank Gainer Jr.

Frank Gainer Jr., Pro Se

c/o 8775 Centre Park Dr., #423

Columbia, Maryland 21045

Date: 9/5/2025

CERTIFICATE OF SERVICE

I hereby certify that on this 9/5/2025, a true and correct copy of the foregoing was delivered to:

- Clerk of Court, District of Maryland – Greenbelt Division
- All oversight entities listed in prior notices
- The Honorable George L. Russell III, Chief Judge
- Office of the Inspector General, AOUSC, and Judicial Council of the Fourth Circuit

By: Frank Gainer Jr.

Frank Gainer Jr.